IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

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PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 7800 of 1999

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Between:

Nadimpalli Venkata Siva Suryanarayana Raju S/o. Rama

Raju R/o. Malyada (V), Nellimarla (M), Vizianagaram

..... PETITIONER

AND

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1 Joint Collector & Additional District Magistrate,
Vizianagaram Dist.
2 Mandal Revenue Officer Nellimerla,
Vizianagaram Dist.
3 Nallapuraju Butchi Appalaraju S/o. Ramachandra Raju
R/o. Pinatharimi (V), Vizianagaram Dist.
4 Nadimpalli Ramaraju S/o. Janaki Ramaraju
R/o. Malyada (V), Vizianagaram Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ order or direction especially one in the nature of Certiorari calling for the records relating to the proceedings in RC No.1197/94 B.3, dt: 16/3/1999 on the file of the Joint Collector and Addl. Dist. Magistrate, Vizianagaram Dist. and quash the proceedings.

Counsel for the Petitioner: MR.I.NAGESH

Counsel for Respondents 1 & 2: G.P. for Revenue

Counsel for Respondent No.3: MR.M.S.R.SUBRAHMANYAM

Counsel for Respondent No.4: ---

The Court made the following ORDER:

The petitioner herein is son of the fourth respondent. It appears, the land admeasuring Acs.4.45 in S.No.1/21 of Malayada village was initially assigned by the Mandal Revenue Officer, to the third respondent. However, during verification the Mandal Revenue Officer found that the land was in occupation of the petitioner herein and accordingly cancelled the assignment in favour of third respondent and reassigned the land to the petitioner. Aggrieved by the orders of the Mandal Revenue Officer dated 9-5-1994, the third respondent preferred an appeal before the first respondent, who by order dated 16-3-1999 set aside the order of the Mandal Revenue Officer and directed to restore the land to the third respondent. Assailing the same the present writ petition is filed on the ground that the impugned order is in violation of principles of natural justice.

The first respondent filed counter affidavit admitting that after cancelling the assignment in favour of the third respondent, the Mandal Revenue Officer assigned the land in question to the petitioner. This is not seriously disputed, even by the learned counsel for the third respondent. Therefore, the impugned order cannot be sustained and is accordingly set aside. The matter shall however, stand remitted to Joint Collector for giving appropriate disposal in accordance with law, after giving notice to the petitioner.

The Writ Petition, with the above observations and directions, is disposed of. No costs.

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V.V.S. RAO, J.

24th August, 2004

Js

To

1 Joint Collector & Additional District Magistrate, Vizianagaram.
2 Mandal Revenue Officer Nellimerla, Vizianagaram Dist.

3 2 CCs to G.P. for Revenue, High Court Buildings,

Hyderabad.(OUT)

4 2 CD copies.